

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Pruett, Rebecca

(b) County of Residence of First Listed Plaintiff Tulsa
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Wandres Law Firm
115 W 3rd St # 411
Tulsa OK 74103
(918) 200 9272

Victor Wandres

DEFENDANTS

County of Residence of First Listed Defendant

Oklahoma

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Rausch, Sturm, Israel, Emerson & Hornik
1012 NW Grand Blvd A
Oklahoma City OK 73118
405-248-1775 Deborah Peterson

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	Citizen of Another State	PTF	DEF
<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State
			<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation
				<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 365 Personal Injury - Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input checked="" type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 510 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 690 Other		<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability			SOCIAL SECURITY	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	Habeas Corpus:	<input type="checkbox"/> 863 DIWC/DIW W (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	FEDERAL TAX SUITS	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee	
			<input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN

(Place an "X" in One Box Only)

 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation

Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 USC 1692

Brief description of cause:

Fair Debt Collection Practices Act Violation

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMANDS

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

3-8-12

Deborah A Peterson

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

Rebecca Pruett)
)
)
)
Plaintiff(s),)
)
)
v.)
Rausch, Sturm, Israel, Enerson, and Hornik)
)
)
Defendant(s))

ENTRY OF APPEARANCE

To the Clerk of this court and all parties of record:

Enter my appearance as counsel in this case for:

Defendant	Rausch Sturm, Israel, Emerson & Hornik
(Plaintiff/Defendant)	(Name of Party)

I certify that I am admitted to practice in this court and am registered to file documents electronically with this court.

s/ _____ 3-8-12
Signature Date

Deborah A. Peterson

Rausch, Sturm, Israel, Emerson & Hornik

1012 NW Grand Blvd #A

Address

405-848-1775 **405-840-1164**
Telephone Fax Number

dpeterson@rsieh.com
Internet E-mail Address

Certificate of Service

I hereby certify that on (date) 3 - 8 - 12, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants: (insert names)

I hereby certify that on (date) _____, I served the attached document by (service method) _____ on the following, who are not registered participants of the ECF System: (insert names and addresses)

s/ Deborah Peterson
s/ Attorney Name Deborah A. Peterson

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

REBECCA PRUETT,)
Plaintiff,)
v.) Case No. 12-CV-72-CVE-TLW
RAUSCH, STURM, ISRAEL,)
ENERSON AND HORNICK, LLC,)
Defendant.)

**DEFENDANT RAUSCH, STURM, ISRAEL,
ENERSON & HORNICK, LLC'S RULE 7.1 COPRORATE DISCLOSURE**

RAUSCH, STURM, ISRAEL, ENERSON & HORNICK, LLC makes the following disclosure:

1. Is said party a subsidiary or affiliate of a publicly owned corporation?

No.

2. Is there a publicly owned corporation, not a party to this case that has a financial interest in the outcome?

No.

Dated this 20th day of April, 2011.

RAUSCH, STURM, ISRAEL, ENERSON &
HORNICK, LLC
Attorneys for Defendant

By: 
DEBORAH A. PETERSON

P.O. ADDRESS:

Attorney Deborah A. Peterson
Rausch, Sturm, Israel, Enerson & Hornik, LLC
1012 NW Grand Blvd. #A
Oklahoma City OK 73118
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Facsimile: (405)840-1164
Email: dpeterson@rsieh.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

REBECCA PRUETT,)	
)	
Plaintiff,)	
)	
v.)	Case No. 12-CV-72-CVE-TLW
)	
RAUSCH, STURM, ISRAEL,)	
ENERSON AND HORNIK, LLC,)	
)	
Defendant.)	

**ANSWER OF DEFENDANT RAUSCH, STURM, ISRAEL,
ENERSON & HORNIK, LLC.**

The Defendant, RAUSCH, STURM, ISRAEL, ENERSON & HORNIK, LLC, as and for its Answer to the Plaintiff's Complaint, states as follows:

1. Deny each and every matter, thing, and allegation set forth in the Complaint, except as herein admitted, qualified, or otherwise alleged.
2. Answering Paragraph 1 of the Complaint, the statement contained therein is a legal conclusion to which no response is necessary and, in any event, Defendant denies that it violated the Fair Debt Collection Practices Act ("the FDCPA") and denies that the Complaint states a claim under the FDCPA.
3. Answering Paragraph 2 of the Complaint, the statement contained therein is a legal conclusion to which no response is necessary and, in any event, Defendant denies that it violated the Fair Debt Collection Practices Act ("the FDCPA") and denies that the Complaint states a claim under the FDCPA.

4. Answering Paragraph 3 of the Complaint, the allegations contained therein are multiple in form, vague, ambiguous, contain undefined terms and contain a legal conclusion to which no response is necessary. Defendant admits that this Court would have personal jurisdiction over a claim properly pleaded under the FDCPA, but denies that the Complaint is so pleaded, and denies that Plaintiff has a valid claim against Defendant.

5. Answering Paragraph 4 of the Complaint, the statement contained therein is a legal conclusion to which no response is necessary and, in any event, Defendant admits that this Court would have venue over a claim properly pleaded under the FDCPA, but denies that the Complaint is so pleaded, and denies that the Plaintiff has a valid complaint against the Defendant.

6. Answering Paragraph 5 of the Complaint, upon representation of Plaintiff's counsel and upon information and belief, Defendant admits the allegations contained therein.

7. Answering Paragraph 6 of the Complaint, the allegations contained therein are multiple in form, vague, ambiguous, contain undefined terms and contain a legal conclusion to which no response is necessary and, in any event, Defendant denies said allegations.

8. Answering Paragraph 7 of the Complaint, admits only that Defendant is a law firm, and alleges that the remaining allegations in said paragraph constitute legal conclusions to which no response is necessary, and puts Plaintiff to her strict burden of proof thereon.

9. Answering Paragraph 8 of the Complaint, admits that Defendant is a law firm with an office in Oklahoma City, Oklahoma.

10. Answering Paragraph 9 of the Complaint, the allegations contained therein are multiple in form, vague, ambiguous, contain undefined terms and contain a legal conclusion to which no response is necessary and, in any event, Defendant denies said allegations.

11. Answering Paragraph 10 of the Complaint, Defendant denies the allegation contained therein.

12. Answering Paragraph 11 of the Complaint, Defendant denies the allegation contained therein.

13. Answering Paragraph 12 of the Complaint, Defendant denies the allegation contained therein.

14. Answering Paragraph 13 of the Complaint, the allegations contained therein are multiple in form, vague, ambiguous, contain undefined and hypothetical terms, and are therefore denied.

15. Answering Paragraph 14 of the Complaint, the allegations contained therein are multiple in form, vague, ambiguous, contain undefined and hypothetical terms, and are therefore denied.

16. Answering Paragraph 15 of the Complaint, the allegations contained therein are multiple in form, vague, ambiguous, contain undefined and hypothetical terms, and are therefore denied.

17. Answering Paragraph 16 of the Complaint, the content of correspondence from defense Plaintiff's counsel to Defendant speaks for itself, and Defendant denies the allegations of said paragraph inconsistent therewith.

18. Answering Paragraph 17 of the Complaint, the allegations contained therein are vague, ambiguous, and contain undefined and terms, and are therefore denied.

19. Answering Paragraph 18 of the Complaint and all of its subparts a) through f), Defendant denies the allegations contained therein.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state any claims upon which relief can be granted.
2. The Complaint is barred by the laws of contributory and/or comparative negligence, failure to join a necessary party, failure to mitigate alleged damages, and any applicable Statutes of Limitation.
3. If Plaintiff sustained any damages as alleged or otherwise, such damages were caused solely, directly and proximately by the conduct of Plaintiff and/or by the conduct of persons or parties not now parties to this action and for whose actions Defendant has no legal responsibility.
4. The Plaintiff has failed to properly plead special damages or otherwise plead damages required to sustain the claims pleaded.
5. To the extent the Complaint seeks damages and remedies pursuant to the FDCPA, such damages and remedies are limited by provisions of the FDCPA.
6. Plaintiff's claims are barred by FDCPA, 15 U.S.C. §1692k(c) providing that a debt collector is not liable for a violation of the FDCPA if such violation was not intentional and resulted from a bona fide error notwithstanding the maintenance and procedures reasonably adapted to avoid any such error.
7. The conduct of the Defendant in this case was in compliance with all applicable federal and state laws and regulations, was performed in good faith, and was consistent with industry practices and standards.
8. Defendant lacks standing to assert the claims in this lawsuit as he/she has not alleged or suffered an injury-in-fact as is required by Article III of the U.S. Constitution.
9. The Plaintiff's claims are barred by the doctrine of litigation privilege.

10. The Plaintiff's claims are barred by the doctrines of waiver, estoppel, judicial estoppel or unclean hands.

11. The Defendant reserves the right to assert any and all other defenses as set forth in the Federal Rules of Civil Procedure that discovery reveals to be applicable.

Dated this \2 day of March, 2012.

RAUSCH, STURM, ISRAEL, ENERSON &
HORNIK, LLC
Attorneys for Defendant

By: Deborah Peterson
Deborah Peterson

P.O. ADDRESS:

Rausch, Sturm, Israel, Emerson & Hornik, LLC
